

ENEMY COMBATANT ARRAIGNED DURING MILITARY COMMISSION

The Department of Defense announced today that military commission proceedings convened today at the U.S. Naval Base Guantanamo Bay, Cuba in the case of “U.S. v. Ali Hamza Ahmad Sulayman al Bahlul.” The military commission for al Bahlul began just after 10 a.m. EST and recessed at 12:30 p.m.

During the proceedings, Al Bahlul said he did not want to be represented by an appointed military counsel, nor did he want any civilian lawyers from the United States to defend him.

When asked by Presiding Officer Peter Brownback whether he would accept civilian defense counsel, al Bahlul said he was surprised to hear that habeas attorneys had filed briefs on his behalf in U.S. District Courts. Al Bahlul went on to say that he had not authorized verbally or in writing anyone to represent him. Although al Bahlul said he was surprised to hear that civilian attorneys had filed motions on his behalf, he was not surprised that they would volunteer to do this “just to get fame.”

Al Bahlul announced that he was boycotting the proceeding and read a list of reasons for his decision including the U.S. support to “Jews in Palestine” and the “corruption of the Muslim religion.”

Brownback noted for the record that al Bahlul could not represent himself because he is boycotting the proceedings and that military commission rules require that he have a detailed military defense counsel.

After Brownback ruled that al Bahlul could not represent himself, al Bahlul’s military defense counsel, Maj. Thomas Fleener, asked to withdraw from the case. Brownback then asked Fleener several questions about his efforts to meet with al Bahlul. Fleener stated that he had not tried to meet with al Bahlul because he had been told that al Bahlul did not want to see him. After additional discussion, Brownback denied Fleener’s request to withdraw.

Brownback indicated that the next step would be to set a trial schedule to include sessions for motions.

Military commissions have historically been used to try violations of the law of war. Commissions provide for:

- A full and fair trial;
- Protection of classified and sensitive information; and
- Protection and safety for all personnel participating in the process, including the accused.

Those deemed eligible for trial by military commission include an individual who:

- Is or was a member of al Qaeda;

- Had engaged in, aided or abetted, or conspired to commit acts of international terrorism against the United States; or
- Knowingly harbored one or more individuals described above.

Charge sheets for al-Bahlul is available at:

http://www.defenselink.mil/news/Nov2004/charge_sheets.html .